

Helper, Utah,
December 14, 1963.

Mr. Donald Norseth, Distribution Engineer,
Office of State Engineer,
Salt Lake City, Utah.

Dear Mr. Norseth:

Referring to our telephone conversation of December 2nd when we discussed, among other things, the diligence claims or rights claimed by the five ditch companies in the Price-Wellington canal system, I understood that I was not to honor any diligence rights to them. Since then they have asked for the natural flow of the waters of the Price River on these claims. I denied their request and, to put it mildly, they were somewhat unhappy. I did, however, deliver them 100 acre feet of water from Scofield Reservoir with which to fill their stock ponds, and charged it to them as reservoir water.

I have a letter from Mr. Carlyle Pace, Secretary, Price-Wellington Control Board concerning this matter and a copy of a letter dated October 17, 1960 from R. K. Higgenson of the State Engineer's office addressed to Mr. D. A. Frandsen, Attorney at law, in which Mr. Higgenson states that the diligence claims "Have been filed with this office and are numbered as follows:

Pioneer Ditch #1	439
Pioneer Ditch #2	440
Price Water Co.	441-306
Allred Ditch Co.	442
Wellington Canal Co.	438

The claims appear to be in proper form and no further action regarding them is needed by this office at this time."

They seem to think that the above mentioned letter from Mr. Higgenson entitled them to the water. Mr. Pace, in his letter asks: "Mr. Rowley, as River Commissioner, will you kindly follow this matter to a final determination as to priority of these claims in ordering water for the Price-Wellington Canal System during the winter months.

As far as winter water is concerned I am honoring Application No. 1036 Appropriation No 2080. If I am wrong in this matter please so notify me. Also as to what they would have to do to follow up on the above claims. Thanking you, I remain,

Very truly yours,

Sam Rowley
Water Commissioner,
Price River Distribution System.